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Darby & Darby P.C.
P.O. Box 770
Church Street Station
New York NY 10008-0770

In re Application of
Fürst et al.
U.S. Application No. 10/597,552
PCT No.: PCT/DK2005/000086
Int. Filing Date: 09 February 2005
Priority Date: 09 February 2004
Attorney Docket No.: 04305/0205242-US0
For: DIGITAL MICROPHONE

DECISION

This decision is issued in response to applicants' "Petition under 37 CFR 1.182" filed 09 June 2009. The petition seeks to correct the bibliographic data (international application number) for the national stage application papers filed 28 July 2006, so as to allow such materials to be treated as the U.S. national stage of PCT/DK2005/000086. The required \$400 petition fee has been submitted.

BACKGROUND

On 28 July 2006, applicants filed electronically a U.S. national stage application that included, among other materials, payment of the U.S. basic national fee; the submission was assigned U.S. application number 10/597,552.

The materials filed 28 July 2006 included: (1) Transmittal Letter to the United States Designated Office (DO/EO/US) Concerning a Submission that identified the application as a U.S. national stage of PCT/DK2005/076466; (2) a preliminary amendment that identified the application as a national stage of PCT/DK2005/076466; (3) an application data sheet that identified the application as a national stage of PCT/DK2005/000086; and (4) a fee payment of \$900.

The bibliographic data entered by applicants as part of the electronic filing identified the application as a U.S. national stage of PCT/US05/76466. Thus, applicants' 28 July 2006 filing included conflicting instructions that identified the submission as a U.S. national stage of three different international applications: PCT/DK2005/000086; PCT/DK2005/076466; and PCT/US2005/076466.

Based on USPTO processing procedures, the application file was initiated in the USPTO PALM system as a U.S. national of PCT/US2005/076466, the international application number set forth in the bibliographic data provided by applicants when filing the electronic application.

DISCUSSION

As stated above, the bibliographical data provided by applicants incorrectly identified the international application to which the submission was directed. Correction of this error is required before the materials filed 28 July 2006 can be treated as having been directed to international application PCT/DK2005/000086, as necessary to avoid abandonment of the international application with respect to the United States.

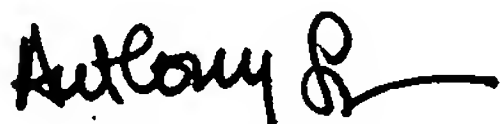
Here, applicants confirm that the correct international application is PCT/DK2005/000086 and the petition further states that the correct international application number was listed on the application data sheet filed 28 July 2006. Applicants' present submission included the required petition fee to correct applicants' inadvertent typographical error. Accordingly, these materials satisfy the requirements for a grantable petition to correct applicants' error in the bibliographical data filed 28 July 2006 and to permit such materials to be treated as having been directed to international application PCT/DK2005/000086.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is GRANTED.

As requested, the international application number has been corrected and is now associated with PCT/DK2005/000086.

The materials filed 28 July 2006 have been assigned U.S. application number 12/443,856, and will be treated as the national stage of PCT/DK2005/000086.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459